WE SHOULD NOT SACRIFICE THE FIRST AMENDMENT ON AN ALTAR OF POLITICAL CORRECTNESS

It's time for the Clinton Administration to review the Bill of Rights to the U.S. Constitution before proceeding with its outlandish plan to dramatically restrict tobacco advertising.

Under the guise of preventing youth smoking, President Clinton has endorsed the Food and Drug Administration plan to impose restrictions that would hamper the ability of tobacco companies to market their legal products to adults through events, newspapers, billboards and promotional items.

Our founding fathers could not have made it any plainer: "Congress shall make no law ... abridging the freedom of speech.... The Supreme Court consistently has recognized that freedom of speech applies to commercial speech such as advertising. The First Amendment does not allow Congress to abridge or ban commercial free speech because it is not "politically correct."

A reasonable person would think that, before attempting to infringe on one of the most basic rights we have in this country, the Clinton Administration would have compiled some hard evidence to prove that tobacco advertising causes kids to smoke. But if you think that, you're wrong.

There is no proven relationship between advertising and an individuals decision to smoke. No credible study has ever established that advertising of any kind causes minors -- or adults, for that matter -- to start smoking. "The extent of the influence of advertising and promotion on the level of (tobacco) consumption is unknown and possibly unknowable," according to one expert. That expert was not a tobacco company executive, but rather former Surgeon General C. Everett Koop.

All the evidence points to the fact that peer pressure and family examples are the primary influences on a teenager's decision to smoke. In light of this, the tobacco industry's position that cigarette ads influence brand choices by smokers, and do not create new smokers, makes sense.

The Clinton Administration also should consider the potential consequences of the restrictions it proposes. The Marlboro Man is no hero to kids today, but given teenagers' rebellious natures, he soon will be if the federal government turns him into an outlaw.

The erosion of our Constitutional protections is not merely an abstract debate among legal scholars. The First Amendment, and indeed all of American democracy, is premised on the notion that the best way to respond to ideas with which we disagree is to

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respond with more speech and more ideas, not to suppress those we don't like.

If we allow the FDA to place draconian limitations on the right of one lawful industry to express itself, what is to stop it from doing the same thing with another industry in a few years? Yes, cigarettes have serious health risks. But so do many other products and activities. How long will it be before the FDA or some other federal bureaucracy rushes in to dictate the advertising content for other legal products enjoyed by millions of Americans.

In today's political environment, the tobacco industry provides a convenient enemy for the President.

But isn't the erosion of one of our most cherished rights -- the right of free speech -- too great a price to pay to simply to attack an industry that doesn't meet President Clinton's criteria for political correctness? Our founding fathers wouldn't have any difficulty answering that question.

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